IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
WRIT PETITION NO. 2825 (MS) OF 2001
(Old No. 35430/91)

Sri Anand Prakash,
S/o Sri Mathura Prasad,
R/o Village Bagwala,
Tehsil-Kichha, District-Nainital. .....Petitioner.

Versus

1. State of U.P., through Collector, Nainital.
2. Prescribed Authority S.D.M. Rudrapur.
3. District Judge, Nainital.

.....Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Sudhir Singh, Advocate for the petitioner and Standing Counsel for the respondents.

2. By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the orders dated 18th January, 1989, 19th September, 1991 passed by the respondents (Annexures No. 1 and 2 to the writ petition respectively).

3. Briefly stated, proceedings for eviction under Section 4 of the Public Premises (Eviction of Unauthorised Occupants) Act was initiated and the order was passed for eviction on 18.01.1989.

4. Aggrieved by the aforesaid order, the petitioner filed an appeal before the District Judge, Nainital. The appeal was also dismissed. Both the courts have granted decree for eviction of the petitioner.

5. However, no interference is required under Article 226/227 of the Constitution of India. However, in case, the petitioner prefers an application for regularization, the same shall be considered in accordance with law.

6. Subject to aforesaid, writ petition lacks merit and is dismissed. No order as to costs.

(Rajesh Tandon, J.)

25.08.2006
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